

APR 07 2006

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/804,913
	Filing Date	March 19, 2004
	First Named Inventor	Steve Barhorst
	Art Unit	1725
	Examiner Name	Tran, Len
Total Number of Pages In This Submission	Attorney Docket Number	22176.23 (ITW-14186)

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Houston Eliseeva LLP	
Signature	<i>Anabela C. Taylor</i> Reg # 38,993 for	
Printed name	Maria Eliseeva	
Date	April 7, 2006	Reg. No. 43,328

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Signature	<i>Anabela C. Taylor</i>	
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APR 07 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re:	Steve Barhorst	Confirmation No:	8366
Serial No:	10/804,913	Group:	1725
Filed:	March 19, 2004	Examiner:	Tran, Len
For:	Metal-Core Gas Metal Arc Welding of Ferrous Steels with Noble Gas Shielding		
Customer No.:	29127		
Attorney Docket No.	22176.23		

RESPONSE TO ELECTION REQUIREMENT

VIA FACSIMILE: 571-273-8300

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

In response to the pending Election/Restrictions, mailed March 7, 2006 (Paper No. 03032006), Applicants select, with traverse, the species Ia (Claims 1-3).

In the Election/Restrictions it is stated that the application contains claims directed to patentably distinct species, set forth as Ia through Ig, with species Ia pertaining to igniting arc. The Office Action also states that species If (Claims 22-25) pertains to using Ar, He, Ne, Rd, and Xe and that species Ig pertains to Ar, He, Ne, Rd, and Xe with core wire. Applicant believes that species Ig was intended to include Claims 26-36, rather than Claims 25-36, as set out in the Office Action. Clarification is respectfully requested.

Reconsideration is respectfully requested for the following reasons.

Application No.: 10/804,913
Amendment dated: April 7, 2006
Reply to Office Action of March 7, 2006
Attorney Docket No.: 22176.26

As with Claims 1-3 (Ia), Claims 22-25 also specify igniting an arc; independent Claim 22 recites "igniting an arc between a work piece and the consumable metal-core electrode to weld carbon steel, low alloy steel or ferritic stainless steel work piece in the non-oxidizing shielding atmosphere."

Therefore, modification of the Election Requirement and examination of Claims 22-25, together with elected Claims 1-3, are respectfully requested.

Applicants also note that Ar is a common element in several of the species set forth in the pending Election/Restrictions Office Action. For instance, Ar is one of the elements in species If (Claims 22-25), which pertains to using Ar, He, Ne, Rd, and Xe, as well as in species Ig (Claims 26-36) which pertains to Ar, He, Ne, Rd, and Xe with core wire. Ar also is present in Claims 1-3 (Ia), with Claim 1 specifying "using Ar to form a non-oxidizing shielding atmosphere around the consumable metal-core electrode."

Is is respectfully submitted that a search directed to species If or Ig would necessitate searching for Ar and that a search for Ar also is required in examining Claims 1-3.

Therefore, reconsideration and examination of Claims 1-3, together with Claims 22-25 and with Claims 26-36 are respectfully requested.

Application No.: 10/804,913
Amendment dated: April 7, 2006
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Attorney Docket No.: 22176.26

Applicants believe that the present application is ready for examination on the merits. Should any questions arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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Date: April 7, 2006